

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ADIL SHAFI, an individual,

Counter-Plaintiff/Third Party Plaintiff,

vs

Case No. 09-10454
Hon. Victoria A. Roberts

FREDERICK WEIDINGER and
BRAINTECH, INC,

Third Party Defendant/Counter-Defendant,

AND

ROBOTIC VISION TECHNOLOGIES, LLC, and
FREDERICK WEIDINGER, an individual,

Case No. 11-12909
Hon. Victoria A. Roberts

Plaintiff

vs

ADIL SHAFI,

Defendant.

**DEFENDANT ADIL SHAFI'S EX PARTE MOTION FOR LEAVE TO FILE
RULE 12(B)(6) MOTION TO DISMISS IN EXCESS OF TWENTY PAGES**

Defendant Adil Shafi ("Shafi"), by and through his attorneys, Berry Moorman P.C., moves, pursuant to Local Rule 7.1(c)(3)(A), for leave to file a brief in excess of twenty pages in support of his Motion to Dismiss, and states as follows:

1. On October 14, 2011, this Court ordered Shafi to resubmit a brief in support of its Motion to Dismiss Plaintiffs' Complaint similar to that earlier filed in the Eastern District of Virginia.

2. Plaintiffs' Complaint alleges five separate claims against Mr. Shafi and Defendant's Motion to Dismiss requires a full analysis of the facts behind those claims and the law pertinent to their resolution.

3. E.D. Mich LR 7.1(c)(3)(A) provides that "a party seeking to file a longer brief [than 20 pages] may apply *ex parte* to the Court in writing setting forth the reasons."

4. Given the number of claims at issue and the complexity of the legal issues raised by Plaintiffs' Complaint, the 20-page limit for briefs set by Local Rule 7.1(c)(3)(A) does not provide sufficient space within which Shafi can adequately address the relevant record and law applicable to the issues in this case.

WHEREFORE, Defendant Shafi respectfully requests that this Court grant this motion and permit him to file a response exceeding the limit of 20 pages.

Respectfully submitted,

BERRY MOORMAN P.C.

By: s/ Noah S. Hurwitz
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Dated: November 4, 2011

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ADIL SHAFI, an individual,

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Case No. 09-10454
Hon. Victoria A. Roberts

FREDERICK WEIDINGER and
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ROBOTIC VISION TECHNOLOGIES, LLC, and
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vs

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Defendant.

_____ /

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT ADIL SHAFI'S EX PARTE
MOTION FOR LEAVE TO FILE RULE 12(B)(6) MOTION TO DISMISS
IN EXCESS OF TWENTY PAGES**

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STATEMENT OF THE ISSUES PRESENTED

- I. WHETHER DEFENDANT SHAFI SHOULD BE PERMITTED TO FILE A MOTION TO DISMISS PLAINTIFFS' COMPLAINT IN EXCESS OF TWENTY PAGES.

INDEX OF AUTHORITIES

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I. ARGUMENT

In his Motion to Dismiss Plaintiffs Frederick Weidinger and Robotic Vision Technologies' Complaint, Shafi will be attacking five claims, including Breach of Contract, Breach of Fiduciary Duty, Defamation, Breach of Non-Competition Agreement, and Unjust Competition.

On October 14, 2011, this Court ordered Shafi to resubmit a brief in support of its Motion to Dismiss Plaintiffs' Complaint similar to that earlier filed in the Eastern District of Virginia. Defendant's Motion to Dismiss requires a full analysis of the facts behind those claims and the law pertinent to their resolution. The matter at hand is rather complicated and combines the facts of two cases before this Court rather than one.

E.D. Mich LR 7.1(c)(3)(A) provides that "a party seeking to file a longer brief [than 20 pages] may apply *ex parte* to the Court in writing setting forth the reasons." Given the number of claims at issue and the complexity of the legal issues raised by Plaintiffs' Complaint, the 20-page limit for briefs set by Local Rule 7.1(c)(3)(A) does not provide sufficient space within which Shafi can adequately address the relevant record and law applicable to the issues in this case.

WHEREFORE, Defendant Shafi respectfully requests that this Court grant this motion and permit him to file a response exceeding the limit of 20 pages.

II. CONCLUSION

WHEREFORE, Defendant Shafi respectfully requests that this Court grant his Ex Parte Motion For Leave To File His Motion to Dismiss In Excess of the Twenty Page limit.

Respectfully submitted,

BERRY MOORMAN P.C.

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Dated: November 4, 2011

CERTIFICATE OF SERVICE

STATE OF MICHIGAN)
)ss
COUNTY OF WAYNE)

I hereby certify that on the 4th day of November, 2011, a copy of the foregoing Defendant Adil Shafi's Ex Parte Motion For Leave To File Motion to Dismiss In Excess of Twenty Pages and Memorandum of Law in Support was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Respectfully submitted,

BERRY MOORMAN P.C.

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